

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010071343

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On July 28, 2010, Parents, on behalf of Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Complaint that named the Newport-Mesa Unified School District (District). Currently scheduled in this matter is a prehearing conference set for November 29, 2010, and a due process hearing set for December 7, 8 and 9, 2010.

On November 24, 2010, Student filed with OAH a Motion for Leave to File First Amended Due Process Hearing Complaint, with supporting declarations. The motion also includes a proposed First Amended Due Process Hearing Complaint. To date, the District has not filed a response to the motion.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i)(II).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(f)(1)(B).)

The Motion to Amend is timely and is granted. The proposed First Amended Due Process Hearing Complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: November 24, 2010

/s/

---

TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings

